

**HEARING AND SPEECH EXAMINING BOARD
MINUTES
APRIL 26, 2010**

PRESENT: Okie Allen, Samuel Gubbels, Trond Hegle, Edward Korabic (via telephone), Alma Peters, Thomas Fisher, Marilyn Workinger, Peter Zellmer

STAFF: Gail Sumi, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: Laura Feldhake, WSHA; Scott Chase and Doug Johnson, WAHP

CALL TO ORDER

Marilyn Workinger, Chair, called the meeting to order at 1:02 p.m. A quorum of eight (8) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Minutes of January 25, 2010
- NCSB Call for Honors Nominations
- Additional information regarding CE
- Updated version of Chapter 459
- Information regarding the Office of the Commissioner of Insurance bill relating to autism

MOTION: Okie Allen moved, seconded by Alma Peters, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 25, 2010

Corrections:

- On page 2, under REVIEW SCOPE STATEMENT..., in the third sentence delete “clinic” and insert “clinical”

- On page 3, delete the section **DISCUSSION OF COMMUNICATIONS AND ACTION RELATING TO PROPOSED REVISIONS TO WIS. STATS., CH. 459 (LRB-2757/P1)**. This was inserted in error.

MOTION: Alma Peters moved, seconded by Okie Allen, to approve the minutes of January 25, 2010, as corrected. Motion carried unanimously.

ADMINISTRATIVE REPORT

Welcome New Board Members and Staff

All Board members introduced themselves to the new members, Samuel Gubbels and Trond Hegle. Michele Miller Hayes is the new legal counsel for the Hearing and Speech Examining Board.

DRL Staff Updates

Additional staff was been hired for the Business Team in DOE. In the Division of Board Services, John Lease is the Administrator and Kelli Ka'alele is the new supervisor for the Bureau Assistants and the paralegal.

DRL Late Adds Policy

The DRL Late Adds Policy was reviewed with the Board.

NCSB CALL FOR NOMINATIONS

The NCSB is calling for nominations for vacancies on their board. The NCSB is also calling for nominations for honors.

MOTION: Peter Zellmer moved, seconded by Okie Allen, to nominate Alma Peters for Honors with the NCSB. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA

None.

**PRESENTATION OF PROPOSED DECISIONS RECEIVED IN THE BUREAU AFTER
PREPARATION OF THE AGENDA**

None.

**PRESENTATION OF PETITIONS FOR SUMMARY SUSPENSIONS RECEIVED IN
THE BUREAU AFTER PREPARATION OF THE AGENDA**

None.

**CONSIDERATION OF A SCOPE STATEMENT RELATED TO AMENDING THE
APPROVAL PROCESS FOR CONTINUING EDUCATION COURSES AND
PROVIDERS AND ADDING CONTINUING EDUCATION ETHICS REQUIREMENTS
IN PROFESSIONS REGULATED BY DRL**

The proposed rule would change and streamline the approval process for continuing education and would also require two (2) hours in ethics out of the twenty (20) hours of CE required for renewal of a license for audiologists, speech-language pathologists and hearing instrument specialists.

MOTION: Okie Allen moved, seconded by Edward Korabic, to approve the scope statement. Motion carried unanimously.

Marilyn Workinger appointed Okie Allen, Edward Korabic and Alma Peters to a subcommittee to discuss the expansion of the list of approved CE providers. The subcommittee should meet via teleconference prior to the next Board meeting.

**UPDATE AND BOARD DISCUSSION AND POSSIBLE CONSIDERATION OF
FOLLOW-UP ON SENATE BILL 358/ASSEMBLY BILL 553, RELATING TO
CREATING NEW GROUNDS FOR DISCIPLINE OF HEARING INSTRUMENT
SPECIALISTS, AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS, AND
CHANGING LICENSING REQUIREMENTS FOR AUDIOLOGISTS**

Marilyn Workinger reported that Senate Bill 358 passed. Laura Feldhake, WSHA, and Doug Johnson, WAHP, both addressed the Board and shared their appreciation of the Board's persistence in bringing this legislation to a favorable conclusion.

**UPDATE ON SENATE BILL 323/ASSEMBLY BILL 488 REQUIRING NEWBORN
HEARING SCREENING**

This bill passed the Legislature and was enacted as 2009 Wisconsin Act 279.

**UPDATE AND POSSIBLE CONSIDERATION OF FOLLOW-UP ON THE PRACTICE
OF SPEECH-LANGUAGE PATHOLOGY – PROPOSED REVISIONS TO CHAPTER
INS 3 (AUTISM MANDATE) BY THE OFFICE OF THE COMMISSIONER OF
INSURANCE**

Marilyn Workinger addressed several issues with the proposed revisions to Ch. INS 3. Supervision is not well defined and is a concern. The proposal would regulate therapy to a specific group of patients, thus limiting the licensee's treatment option, and this precedent should not be set. The licensee should determine the course of treatment.

MOTION: Okie Allen moved, seconded by Peter Zellmer, to authorize Marilyn Workinger and Gail Sumi, to submit written comments to the Office of the Insurance Commissioner regarding the proposed rule changes to Ch. INS 3 relating to autism. Motion carried unanimously.

The rule-making hearing will be held on May 26, 2010.

**TRAVEL REQUESTS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE
AGENDA**

None.

**TELEHEALTH – DISCUSSION OF REGULATION OF PRACTITIONERS
PRACTICING REMOTELY FROM OTHER STATES AND RESPOND TO PRACTICE
QUESTION**

The following practice question was brought before the board:

Direct observation of the ear canal can be accomplished via video otoscopy. Is video otoscopy in accordance with "direct observation" per the licensure regulations?

MOTION: Peter Zellmer moved, seconded by Edward Korabic, the statutes and regulations do not prohibit the use of video otoscopy for direct observation of the ear canal. Motion carried unanimously.

The Board discussed the issue of licensure as it relates to telemedicine. The Board came to the consensus that anyone who practices audiology or speech-language pathology via telehealth on Wisconsin patients must hold a valid Wisconsin license.

MOTION: Peter Zellmer moved, seconded by Alma Peters, to authorize Edward Korabic and Marilyn Workinger to draft a frequently asked question about the practice of telemedicine and to post this information on the DRL website. Motion carried unanimously.

APPLICATION ISSUES RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA

None.

APPEARANCES FROM REQUESTS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA

None.

EXAMINATION ISSUES RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA

None.

CONTINUING EDUCATION APPROVALS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA

None.

PETITIONS FOR RE-HEARING THAT MAY BE RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA

None.

PRACTICE QUESTION

Can a hospital based SLP bill for hearing screening services?

The Board does not determine billing practices.

MOTION: Peter Zellmer moved, seconded by Alma Peters, to respond to the practice question that it is not in the scope of practice for a speech-language pathologist to perform screening auditory brainstem response (ABR) as it is not delineated in the statutes. Motion carried. Edward Korabic voted no.

The Board further discussed the scope of practice.

MOTION: Peter Zellmer moved, seconded by Alma Peters, to withdraw the previous motion. Motion carried unanimously.

MOTION: Peter Zellmer moved, seconded by Edward Korabic, to table the discussion on scope of practice to the next meeting. Motion carried unanimously.

The Board asked Gail Sumi to collect information from other boards on their approach to scope of practice issues and to bring it to the next meeting.

PRACTICE QUESTIONS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA

None.

INFORMATIONAL ITEMS

None.

CLOSED SESSION

MOTION: Peter Zellmer moved, seconded by Alma Peters, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and Wis. Stat. § 440.205); consider
Hearing and Speech Examining Board

April 26, 2010 Minutes

Page 6 of 7

individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)) and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote. Okie Allen-yes; Thomas Fisher-yes; Samuel Gubbels-yes; Trond Hegle-yes, Edward Korabic-yes; Alma Peters-yes; Marilyn Workinger-yes; and Peter Zellmer-yes.

Open session recessed at 3:36 p.m.

RECONVENE INTO OPEN SESSION

MOTION: Alma Peters moved, seconded by Peter Zellmer, to reconvene into open session. Motion carried unanimously.

Open session reconvened at 3:39 p.m.

VOTING ON ITEMS DELIBERATED ON IN CLOSED SESSION

CASE CLOSING

09 HAD 009

MOTION: Thomas Fisher moved, seconded by Alma Peters, to close case **09 HAD 009** for no violation. Motion carried unanimously.

RATIFICATION OF EXAMINATION SCORES

MOTION: Alma Peters moved, seconded by Peter Zellmer, to ratify the scores from the April 26, 2010 examination. Motion carried unanimously.

ADJOURNMENT

MOTION: Thomas Fisher moved, seconded by Alma Peters, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:44 p.m.